# EXHIBIT 1

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February 25, 2013

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**Highly Confidential – Attorneys' Eyes Only**

*Via Electronic Mail*

Chris Franklin
WILMER CUTLER PICKERING HALE AND DOOR LLP
950 Page Mill Road
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Christopher.Franklin@wilmerhale.com

Re:     **MediaTek Inc. v. Freescale Semiconductor, Inc., No. 4:11-cv-05341-YGR**

Dear Chris:

I write in response to your letter, dated January 18, 2013, concerning alleged deficiencies in Freescale's production of source code.  Per MediaTek's request, we were prepared to discuss your these issues during the parties' telephonic meet-and-confer on Thursday, February 21, 2013.  During that call, however, the parties agreed that Freescale would instead first provide a written response to your letter.

Freescale disagrees that its source code production is deficient.  Freescale has already made available relevant source code in its possession, custody, or control for the products identified as accused instrumentalities in MediaTek's Disclosure of Asserted Claims and Infringement Contentions (Infringement Contentions).  Freescale does not believe that the additional register transfer level (RTL) code and other source code described in your letter are relevant to MediaTek's claims or reasonably calculated to lead to discovery of admissible evidence.

Moreover, as you are well aware, Freescale has already produced over two million pages of documents, many of which are highly detailed technical documents showing the structure, functionality, and operation of the accused instrumentalities.  Such documents are more than sufficient to show the structure, functionality, and operation of the features MediaTek has identified in its Infringement Contentions.  These detailed technical documents coupled with the previously produced source code obviate the need for the additional source code you now request.  Consequently, MediaTek's requests for additional source code are unreasonably duplicative, cumulative, unduly burdensome, and vexatious.  The burden and expense of

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producing such source code outweigh any alleged benefit.  Therefore , we believe Rule 26(b)(2)(C) of the Federal Rules of Civil Procedure applies, and MediaTek has made no showing to justify having Freescale expend the necessary resources to produce the unneeded source code.

Freescale's positions with respect to the particular alleged deficiencies that you identified in your letter are set forth below.

- **RTL code for i.MX31, i.MX35, and i.MX50 products**

MediaTek requests RTL code for the clock control module (CCM), general power controller (GPC) module, the modules containing the PMCR0, LTR0, and LTR1 registers, and, with respect to the i.MX50, the SDMA module.  As we previously explained, Freescale does not have within its possession, custody, or control RTL code related to the ARM platform. Furthermore, MediaTek's requests for the additional source code are overly burdensome, cumulative, and not reasonably calculated to lead to the discovery of admissible evidence. Freescale has already produced source code and other technical documents used in connection with DVFS components, which MediaTek accuses of infringing the '331 patent. Such source code and documents sufficiently show the structure and operation of the components that MediaTek contends infringe the '331 patent.  Moreover, MediaTek has asserted that the CCM or GPC are the "infringing features" with respect to the '331 patent. Consequently, the structure or operation of the other features identified above are not relevant to MediaTek's Infringement Contentions for the '331 patent.  Indeed, MediaTek's own Infringement Contentions do not allege that the LTR0 register or SDMA module satisfies any limitation of the '331 patent, in whole or part.

- **RTL code for Bus Master Park (MPARK) Register**

MediaTek asserts that Freescale has not made available the RTL code module containing the MPARK register.  Freescale has produced extensive RTL code used in connection with fixed mode or round robin arbitration, the functionality that MediaTek contends infringes '244 patent.  In particular, Freescale has produced RTL code discussing the MPARK register.  At this time, Freescale is not aware of additional RTL code responsive to MediaTek's requests for production.

- **Source code associated with features allegedly relevant to the '845 and '753 patents**

MediaTek complains of Freescale's purported omission of source code associated with features allegedly related to the '845 and '753 patents.  But these patents pertain to hardware, not software, and MediaTek has not shown what possible relevance source code could have to either of those patents.  Indeed, MediaTek's Infringement Contentions for the '845 and

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'753 patents are based exclusively on the publicly available product manuals and specifications for the accused products and cite no source code whatsoever, even though Freescale also has made available source code for such products on its website.

Moreover, as stated above, Freescale has produced ample documentation showing the structure and operation of the modules identified in MediaTek's infringement contentions for the '845 and '753 patents.  In light of that production, MediaTek's request for source code with respect to the '845 and '753 patents is overly broad, unduly burdensome, and cumulative.

In addition, your letter identified several modules that are not identified in MediaTek's Infringement Contentions for the '845 and '753 patents, including the ESDCTL module and submodules within the AHB Multilayer Crossbar Switch (or AHBMAX), EMI, or EXTMC.  Indeed, M4IF is the only submodule of any of these modules identified in MediaTek's Infringement Contentions.  Nor do 'MediaTek's Infringement Contentions specify "the top-level module showing the instantiation of each of these modules."  Accordingly, MediaTek's requests for source code related to these modules are not relevant, nor are they reasonably calculated to lead to the discovery of admissible evidence.

Finally, MediaTek seeks production of source code for the AHBMAX module of the i.MX50 product.  But MediaTek did not accuse the i.MX50 of infringing the '753 patent in its Infringement Contentions, and the Court denied MediaTek's motion to compel discovery of unaccused products.

- **Source code allegedly related to the MPC8360E and MPC8458E products**

MediaTek also complains of Freescale's purported omission of source code allegedly related to the MPC8360E and MPC8458E products.  We are unaware of any Freescale product known as the MPC8458E; therefore, we assume you are referring to products within the MPC8358E processor family, which are accused of infringing the '753 patent.  MediaTek has only accused the MPC8360E and MPC8358E product families of infringing the '753 patent.  Accordingly, Freescale's position for these products is the same as its position above with respect to source code allegedly relevant to that patent.

- **Configuration and management software**

MediaTek seeks production of software files for configuration and management for each of the modules identified in your letter.  As stated above, Freescale has already produced responsive source code used to configure and manage the CCM and GPC modules.  As the remaining modules identified in your letter relate to patents that are expressly directed to hardware features, Freescale believes this request to be overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible

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evidence.  Moreover, although source code for configuration and management of most, if not all, of these features is publicly available, MediaTek cited no source code for these features in its Infringement Contentions.

As always, Freescale is available to discuss any discovery issues between the parties.  Please let us know if MediaTek wishes to meet and confer about the issues raised here or in your letter.

Sincerely,

/s/ Joshua A. Hartman

Joshua A. Hartman